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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,077	01/14/2004	Lance E. Steward	17355CIP3(BOT)	5352
51957 7590 01/11/2007 ALLERGAN, INC. 2525 DUPONT DRIVE, T2-7H IRVINE, CA 92612-1599			EXAMINER HAYES, ROBERT CLINTON	
			ART UNIT	PAPER NUMBER
			1649	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
30 DAYS		01/11/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



## UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/757,077

EXAMINER

ART UNIT

PAPER

20070108

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

## Commissioner for Patents

The reply filed 11/1/06 is not fully responsive to the Office communication mailed 10/12/06 for the reason(s) set forth below or as set forth in 37 CFR 1.821(a)(1) and (a)(2) or the attached CRF Diskette Problem Report. As previously made of record, 37 CFR 1.821(a)(2)(c-d) states that each sequence disclosed must appear separately in the Sequence listing and in the text of the description and claims whenever described. In other words, pages 12 (line 24), 13 (lines 2, 13, 23, 24, 26), 14 (line 2), 19 (as it relates to Fig. 3/line 25), 20 (as it relates to Figs 8 & 10), 33 (line 13) & page 35 (lines 8 & 9) must be amended to indicate the appropriate SEQ ID NOs (or SEQ ID NO positions). Any additional sequences must also be appropriately referenced within the specification where described.

Additionally, claimed sequence, SEQ ID No: 27, as indicated on page 8 of the Raw Sequence Listing, is different from that indicated on page 66 of the specification (which is further directed toward non-elected BoTx/B). Therefore, it is unknown what sequence is actually being claimed for modifying elected BoTx/A.

Since the above-mentioned reply appears to be bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a) from 10/12/06.

Robert C. Hayes, Ph.D.

ROBERT C. HAYES, PH.D.  
PRIMARY EXAMINER

## **STIC Biotechnology Systems Branch**

### **RAW SEQUENCE LISTING** **ERROR REPORT**

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/757,077A  
Source: JFW/6  
Date Processed by STIC: 11/09/2006

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE **CHECKER VERSION 4.4.0 PROGRAM**, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):  
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/10/06



IFW16

## RAW SEQUENCE LISTING

DATE: 11/09/2006

PATENT APPLICATION: US/10/757,077A

TIME: 13:13:43

Input Set : N:\efs\10757077a\_ofs\17355CEP3SeqList.txt

Output Set: N:\CRF4\11092006\J757077A.raw

4 <110> APPLICANT: Steward, Lance E.  
 5       Fernandez-Salas, Ester  
 6       Herrington, Todd  
 7       Aoki, Kei Roger  
 9 <120> TITLE OF INVENTION: Clostridial Neurotoxin Compositions and  
 10       Modified Clostridial Neurotoxins  
 13 <130> FILE REFERENCE: 17355CIP3 (BOT)  
 15 <140> CURRENT APPLICATION NUMBER: US 10/757,077A  
 16 <141> CURRENT FILING DATE: 2004-01-14  
 19 <150> PRIOR APPLICATION NUMBER: US 09/910,346  
 19 <151> PRIOR FILING DATE: 2001-07-20  
 21 <150> PRIOR APPLICATION NUMBER: US 09/620,840  
 22 <151> PRIOR FILING DATE: 2000-07-21  
 24 <150> PRIOR APPLICATION NUMBER: US 10/163,106  
 25 <151> PRIOR FILING DATE: 2003-06-04  
 27 <160> NUMBER OF SEQ ID NOS: 38  
 29 <170> SOFTWARE: FastSEQ for Windows Version 4.0

Does Not Comply  
Corrected Diskette Needed

(PR-1)

## ERRORED SEQUENCES

E--> 555 <210> SEQ ID NO: (33) 32

If Intentionally Skipped Sequence  
pls use this format

<2107- 000  
 <4007- 000

See pg-2 for Error Explanation

RAW SEQUENCE LISTING ERROR SUMMARY  
PATENT APPLICATION: US/10/757,077A

DATE: 11/09/2006  
TIME: 13:13:44

Input Set : N:\efs\10757077a\_efs\17355CIP3SeqList.txt  
Output Set: N:\CRF4\11092006\J757077A.raw

*Error Explanation*

Skipped Sequences (NEW RULES):

Sequence(s) missing. If intentional, please use the following format for each skipped sequence.

<210> sequence id number

<400> sequence id number

000

Seq#:32

## VERIFICATION SUMMARY

DATE: 11/09/2006

PATENT APPLICATION: US/10/757,077A

TIME: 13:13:44

Input Set : N:\efs\10757077a\_efs\17355CIP3SeqList.txt

Output Set: N:\CRF4\11092006\J757077A.raw

L:205 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:17  
L:209 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:17  
L:210 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:17 after pos.:0  
L:228 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:18  
L:232 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:18  
L:233 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:18 after pos.:0  
L:251 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:19  
L:255 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:19  
L:256 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:19 after pos.:0  
L:274 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:20  
L:278 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:20  
L:279 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:20 after pos.:0  
L:297 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:21  
L:301 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:21  
L:302 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:21 after pos.:0  
L:320 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:22  
L:324 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:22  
L:325 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:22 after pos.:0  
L:343 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:23  
L:347 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:23  
L:348 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:23 after pos.:0  
L:366 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:24  
L:370 M:258 W: Mandatory Feature missing, <220> Tag not found for SEQ ID#:24  
L:371 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:24 after pos.:0  
L:555 M:214 E: (33) Seq.# missing, SEQ ID NO:32